

Section 102(e) Rejection:

The Final Action rejected claims 1-39 under 35 U.S.C. § 102(e) as being anticipated by Barker et al. (U.S. Patent 6,363,421) (hereinafter "Barker"). Applicants assert that pending claims 1-39 are not anticipated by Barker.

The Examiner asserts that Barker discloses a network management system comprising: an event gateway which is coupled to one or more managed objects, and which is configured to deliver events generated by the managed objects to one or more managers, wherein the one or more managed objects which generate the one or more events are separate from the event gateway, and a platform-independent interface to the event gateway, wherein the event gateway is configurable to communicate with the managers through the platform independent interface to deliver the events generated by the managed objects, wherein the gateway is configurable to provide the managers with subscriptions to the events as a function of event criteria specified by the managers, whereby events meeting the specified event criteria are delivered and events failing to meet the specified event criteria are filtered out. Applicants respectfully disagree with the Examiner's characterization of Barker.

The Examiner identifies Barker's HTML and Java applications 44 and proprietary applications 50 as being one or more managed objects coupled to an event gateway, which the Examiner identifies as Barker's element management system client 28. However, Barker's HTML and Java applications 44 and proprietary applications 50 are clearly not one or more managed objects as recited in Applicants' claim 1. Barker teaches (Fig. 2, col. 4, line 6 – 18 and col. 5, line 1 – 23) that Java applets 44 execute on web browser 45, which along with proprietary applications 50, execute on element management system client 28. Barker's Java applications 44 and proprietary applications 50 are clearly not managed objects. In fact, col. 11, lines 47-60, of Barker clearly show that the Java applications 44 and proprietary applications 50 are clearly not the managed objects.

Furthermore, Applicants can find no language in Barker that teaches or suggests that FITMI, and Java applications 44 and proprietary applications 50 “generate the events”, as stated in Applicant’s claim 1. Rather, in figure 4 and the accompanying description (col. 11, lines 47-60), Barker discloses that the element management system server 32 includes managed objects 170 which represent the network element 14 and generate events.

Moreover, claim 1 recites that the managed objects are separate from the event gateway. The Examiner states that Barker’s element management system client 28 is an event gateway and that Barker’s Java applications 44 and proprietary applications 50 are the managed objects. However, as is plainly illustrated in Fig. 2, the Java applications 44 and proprietary applications 50 are part of element management system client 28. Therefore, Barker’s element management system client 28 and applications 44 and 50 do not teach managed objects that are separate from the event gateway.

Furthermore, the Examiner states that the element management system client 28 is an event gateway that is configured to deliver events generated by the managed objects to the element management system server 32. To the contrary, the element management system client 28 receives events from the element management system server 32. Applicants therefore submit that Barker does not teach or suggest that the element management system client 28 functions as “an event gateway . . . which is configured to deliver events generated by the managed objects to one or more managers”, as recited in claim 1.

Accordingly, Applicants submit that Barker fails to teach or suggest numerous limitations of claim 1. Applicants remind the Examiner that Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson*

v. *Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicant's claim 1 is clearly not anticipated by Barker.

For at least the reasons discussed above, Applicants respectfully submit that independent claims 14 and 27 are not taught or suggested by Barker. Numerous ones of the dependent claims recite limitations further not taught or suggested by Barker; however, since the independent claims have been shown to be patentable, a discussion of the dependent claims is not necessary at this time.

CONCLUSION

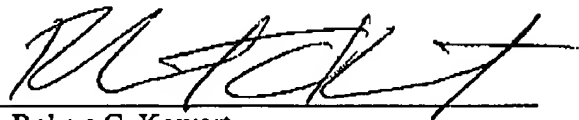
Applicants submit the application is in condition for allowance, and notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/5181-48200/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Request for Approval of Drawing Changes
- ☐ Notice of Change of Address
- ☐ Marked-up Copy of Amended Claims
- ☐ Marked-up Copy of Amended Paragraphs
- ☐ Fee Authorization Form authorizing a deposit account debit in the amount of \$
for fees ().
- ☐ Other:

Respectfully submitted,



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